

Election in Response to Restriction Requirement

Responsive to the Restriction Requirement dated February 13, 2003, the claims of Group I (Claims 1-6 and 8-12), drawn to a product described as a "recombinant vector comprising isolated DNA encoding a snRNA", are elected for prosecution. Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicants do not hereby abandon or waive any rights in the non-elected inventions.

Responsive to the requirement for an election of species for searching purposes, Applicants hereby elect the following as the species:

With respect to Subgroup 1 (species of snRNA), Applicants hereby elect U1 as the species. Claims readable on the elected species are 1, 3, 5, 6 and 8.

With respect to Subgroup 2 (species of recombinant vector), Applicants provisionally elect pcDNA3.1Zeo+. The requirement is being traversed for the reasons set forth in detail below under a separate heading.

With respect to Subgroup 3 (species of modification), cancellation of Claim 7 renders the requirement moot.

With respect to Subgroup 4 (species of restriction site), Applicants elect Bae I as the species. Claims readable on the elected species are 9-12.

With respect to Subgroup 5 (species of insertion site sequences), Applicants elect insertion sites formed by the excision of Bae I restriction fragment, wherein the two insertion sites comprise the complements of DNA sequences of SEQ ID NO: 2 and SEQ ID NO: 3. Claim 11 is readable on the elected species.

Detailed Arguments as to the Traversal of the Requirement for Election for the Purposes of Search (Subgroup 2)

Applicants submit that the Examiner has erroneously issued the requirement for election for the purposes of search in Subgroup 2 (species of a recombinant vector). MPEP §808.01 (a) indicates that election of species should be required prior to a search on the merits in all applications containing claims to a plurality of species with no generic claims, and in all applications containing both species claims and generic or Markush claims. The subject application does not satisfy either of these criteria. With regard to the vector component of the

claimed invention, the application contains neither claims to a plurality of species with no generic claim nor both species and generic claims related to this aspect of the invention. MPEP §808.01(a) also states that in all applications in which no species claims are present and a generic claim recites such a multiplicity of species that an unduly extensive and burdensome search is required, a requirement for election of species should be made. Again, this is not the situation in the subject application. The Examiner has in fact required an election of a species not from among a particular set of claimed species but rather from among those *disclosed in the specification*. Applicants therefore request that the election requirement for the purposes of search be partially withdrawn, i.e., withdrawn with regard to Subgroup 2.

An extension of time to respond to the Restriction Requirement is respectfully requested. A Petition for an Extension of Time and the appropriate fee are being filed concurrently.

Respectfully submitted,

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